

REMARKS

Consideration of this application in light of the present amendment is respectfully requested.

Claims 1-20 and 24 have been rejected.

Claims 21-23 were previously canceled.

Claim 10 has been canceled, without prejudice.

Claims 1, 19 and 24 have been amended.

Claims 1-9, 11-20 and 24 are pending in this application.

Claims 1-5, 7-8, 16 and 24 have been rejected under 35 U.S.C. §102(b) as being anticipated by Thomas et al. (Int'l Publ. WO 01/31808, hereinafter "Thomas"). This rejection is respectfully traversed.

Independent claim 1 has been amended to incorporate the recitations of claim 10 (subsequently canceled) to reflect that a reduced power mode is entered upon the condition of a mobile station not being able to maintain a proper quality level of transmission. The combination of recitations in claim 1 are not disclosed or suggested in any of the cited references.

Advantageously, Applicant's invention of claim 1 provides an alternative solution for reducing interference caused by a communication unit in a network system by determining quality level. In practice, if a communication unit is causing interference or is operating in a high interference environment, any poor quality of a communication with that unit results in further system interference. Applicant's invention solves this problem by actually reducing the transmit power of such a communication unit to reduce system interference dependent upon that quality level measurement.

Thomas, although an improvement in the art, does not describe determining whether a quality level of a communication cannot be achieved, and then predicating a reduced power mode upon that unattainable quality level, as recited in amended independent claims 1 and 24. Thomas instead describes a reduced power mode as compared to a transmit power threshold, not a quality threshold. In a further rejection (below) of claim 10 (now incorporated into the independent claims), the Examiner admits this, and applicant agrees, that Thomas does not show the step of determining that a quality level of a communication between the communication unit and the base station cannot be achieved, and in response entering a reduced power mode.

The Examiner goes on to state in the rejection below that Vembu (US 6,185,432, col. 2 lines 1-14) does teach the step of determining that a quality level of a communication between

the communication unit and the base station cannot be achieved, and in response entering a reduced power mode. Applicant respectfully disagrees. Vembu clearly states in this cite that if the Signal-to-Noise Ratio (corresponding to applicant's quality level) falls below an acceptable level, then the communication unit is told to *increase* its transmit power. This is completely opposite of applicant's invention wherein if the quality level falls below an acceptable level, then the communication unit is told to *decrease* its transmit power. Therefore, Vembu teaches away from applicant's invention, as recited in amended claim 1 and 24.

As a result, neither Thomas nor Vembu, in combination or alone, teach determining that a quality level of a communication between the communication unit and the base station cannot be achieved, and in response entering a reduced power mode.

Accordingly, applicant respectfully submits that amended claim 1 is patentable and non-obvious over the cited art, and is therefore deemed allowable.

Independent claim 24 has been amended to include the same recitations as amended claim 1, in apparatus form, and is therefore deemed allowable as well for the same reasons.

Dependent claims 2-5, 7-8 and 16 are dependent on amended claim 1, hereby incorporated by reference, and are therefore deemed allowable as well for the same reasons.

Therefore, applicant respectfully requests that this rejection be withdrawn.

Claims 6, 9, 12-15 and 17-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Thomas in view of Damnjanovic (US Publ 2003/0050084). This rejection is respectfully traversed.

Claim 19 has been amended to properly follow from claim 18.

Dependent claims 6, 9, 12-15 and 17-19 are dependent on previously distinguished amended claim 1, hereby incorporated by reference, and are therefore deemed allowable as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

Claims 10-11 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Thomas in view of Vembu (US 6,185,432). This rejection is respectfully traversed.

Claim 10 has been incorporated into claim 1, and is subsequently canceled.

Further, the Examiner admits that Thomas does not show the step in claim 10 of determining that a quality level of a communication between the communication unit and the base station cannot be achieved, and in response entering a reduced power mode.

The Examiner goes on to state that Vembu (col. 2 lines 1-14) does teach the step of determining that a quality level of a communication between the communication unit and the base station cannot be achieved, and in response entering a reduced power mode. Applicant

respectfully disagrees. Vembu clearly states in this cite that if the Signal-to-Noise Ratio (corresponding to applicant's quality level) falls below an acceptable level, then the communication unit is told to *increase* its transmit power. This is completely opposite of applicant's invention wherein if the quality level falls below an acceptable level, then the communication unit is told to *decrease* its transmit power. Therefore, Vembu teaches away from applicant's invention, as recited in claim 10, now incorporated into amended claims 1 and 24.

Moreover, remaining dependent claims 11 and 20 are dependent on previously distinguished amended claim 1, hereby incorporated by reference, and are therefore deemed allowable as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

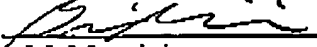
No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection or through an Examiner's amendment.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

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